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Board of Vocational Nursing
and Psychiatric Technicians

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**BEFORE THE
BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. VN-2004-1242

KATHLEEN JULIA NETTER
5660 Waring Rd.
San Diego, California 92120

A C C U S A T I O N

Vocational Nurse License No. VN 68850

Respondent.

Teresa Bello-Jones, J.D., M.S.N., R.N. ("Complainant") alleges:

PARTIES

1. Complainant brings this Accusation solely in her official capacity as the Executive Officer of the Board of Vocational Nursing and Psychiatric Technicians ("Board"), Department of Consumer Affairs.

2. On or about September 30, 1975, the Board issued Vocational Nursing License Number VN 68850 to Kathleen Julia Netter ("Respondent"). The license will expire on May 31, 2009, unless renewed.

STATUTORY PROVISIONS

3. Business and Professions Code ("Code") section 2875 provides, in pertinent part, that the Board may discipline the holder of a vocational nurse license for

any reason provided in Article 3 (commencing with section 2875) of the Vocational Nursing Practice Act.

4. Code section 2878 states, in pertinent part:

The Board may suspend or revoke a license issued under this chapter [the Vocational Nursing Practice Act (Bus. & Prof. Code, 2840, et seq.)] for any of the following:

(a) Unprofessional conduct.

(b) Procuring a certificate by fraud, misrepresentation, or mistake.

....

(f) Conviction of a crime substantially related to the qualifications, functions, and duties of a licensed vocational nurse, in which event the record of the conviction shall be conclusive evidence of the conviction.

....

(j) The commission of any act involving dishonesty, when that action is related to the duties and functions of the licensee.

5. Code section 2878.5 states, in pertinent part:

In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Vocational Nursing Practice Act] it is unprofessional conduct for a person licensed under this chapter to do any of the following:

....

(b) Use any controlled substance as defined in Division 10 of the Health and Safety Code, or any dangerous drug as defined in Article 8 (commencing with Section 4210) of Chapter 9 of Division 2 of this code, or alcoholic beverages, to an extent or in a manner dangerous or injurious to himself or herself, any other person, or the public, or to the extent that such use impairs his or her ability to conduct with safety to the public the practice authorized by his or her license.

(c) Be convicted of a criminal offense involving possession of any narcotic or dangerous drug, or the prescription, consumption, or self-administration of any of the substances described in subdivisions (a) and (b) of this section, in which event the record of the conviction is conclusive evidence thereof.

DRUGS

6. "Vicodin" is a compound consisting of 5 mg. hydrocodone bitartrate, also known as dihydrocodeinone, a Schedule III controlled substance as designated by Health and Safety Code section 11056(e)(4), and 500 mg. acetaminophen per tablet.

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1 for 5 years with 180 days of custody stayed pending successful completion of probation.
2 Respondent was also ordered to complete a first conviction program and pay a \$1,600 fine.

3 **THIRD CAUSE FOR DISCIPLINE**

4 **(Conviction Involving the Consumption of a Drug)**

5 10. Respondent is subject to discipline under Code section 2878(a), on the
6 grounds of unprofessional conduct as defined in Code section 2878.5(c), in that on or about
7 June 16, 2003, Respondent was convicted of a crime involving the consumption of a drug as
8 more particularly set forth above in paragraph 9.

9 **FOURTH CAUSE FOR DISCIPLINE**

10 **(Use of a Dangerous Drug)**

11 11. Respondent is subject to discipline under Code section 2878(a), on the
12 grounds of unprofessional conduct as defined in Code section 2878.5(b), in that on or about
13 May 26, 2003, Respondent used a dangerous drug to an extent or in a manner dangerous or
14 injurious to herself, and the public, when she operated a vehicle while under the influence of a
15 drug, as more particularly set forth above in paragraph 9.

16 **FIFTH CAUSE FOR DISCIPLINE**

17 **(Procuring License by Fraud, Misrepresentation, or Mistake)**

18 12. Respondent is subject to discipline under Code section 2878(b),
19 in that on or about May 15, 2005, Respondent procured her license by fraud, misrepresentation,
20 or mistake, in that Respondent signed the application for renewal of her vocational license under
21 penalty of perjury, and answered "No" to question "G" that stated:

22 "Since you last renewed your license, have you been convicted of
23 or pled nolo contendere to any violation of any law of any state in
the United States or a foreign country?"

24 Respondent failed to disclose the conviction set forth above in paragraph 9.

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